

INSTRUCTIONS FOR VA FORM 21-534

READ VERY CAREFULLY, DETACH, AND RETAIN THESE INSTRUCTION SHEETS FOR YOUR REFERENCE

CALL VA AT 1-800-827-1000 FOR FREE HELP WITH THIS FORM (HEARING IMPAIRED TDD 1-800-829-4833).

A. PAYMENT OF BENEFITS - GENERAL

(1) Dependency and Indemnity Compensation may be payable when (1) the veteran's death occurred in service, or (2) when a veteran dies of service-connected disability, or (3) in certain circumstances if a veteran rated totally disabled from service-connected disability dies from non-service-connected conditions.

(2) Death Pension may be payable when the death of a veteran with wartime service is not due to service, provided income is within applicable limits.

(a) The rate of pension paid depends upon the amount of family income and the number of dependent children, according to a formula provided by law.

(b) If there is no surviving spouse, pension may be payable on behalf of a child or children.

(c) Because benefit rates and income limits are frequently changed, it is not possible to keep such information current in these instructions. Information regarding current income limitations and rates of benefits may be obtained by contacting your nearest VA office at 1-800-827-1000.

(3) A higher rate of benefits is payable to a surviving spouse who is a patient in a nursing home or otherwise determined to be in need of regular aid and attendance or who is permanently housebound due to disability.

(4) Unless a claim for Dependency and Indemnity Compensation is filed within one year from date of death, that benefit is not payable from a date earlier than the date the claim is received in VA.

(5) Unless a claim for pension is filed within 45 days from date of death, that benefit is not payable from a date earlier than the date the claim is received in VA.

B. REPRESENTATION - You may be represented, without charge, by an accredited representative of a veterans organization or other service organization recognized by the Secretary of the Department of Veterans Affairs. You may also be represented by an agent or an attorney, for example, an attorney in private practice or a legal aid attorney. However, under 38 U.S.C. 5404(c), an agent or attorney is allowed to charge only for services performed after you receive a final decision by the Board of Veterans Appeals. If you desire representation, let us know and we will send you the necessary forms. If you have already designated a representative, no further action on your part is required.

C. HEARINGS - You have the right to a personal hearing anytime after you file a claim with VA, either before or after a decision is made. You can make this request for an original claim, supplemental claim or with regard to any subsequent action affecting your entitlement. All you need do is inform the nearest VA office as to your desires, and we will arrange a time and place for the hearing. You may bring witnesses if you desire and their testimony will be made part of your records. VA will furnish the hearing room, provide hearing officials, and prepare the transcript of the proceedings. VA cannot pay any of your expenses in connection with the hearing.

D. HOW TO COMPLETE THE APPLICATION - ALL THE INFORMATION REQUESTED MUST BE ANSWERED FULLY AND CLEARLY OR ACTION ON YOUR CLAIM MAY BE DELAYED. IF YOU DO NOT KNOW THE ANSWER, WRITE "UNKNOWN."

E. MINORS AND INCOMPETENTS - If the person for whom the claim is being made is a minor or is incompetent, the application form should be completed and filed by the legal guardian or, if no legal guardian has been appointed, it may be completed and filed by some person acting on behalf of the minor or incompetent.

F. EVIDENCE - GENERAL - If you are unable to furnish with this application form any of the required evidence asked for anywhere in these instructions, state why you are unable on a separate sheet. If public or church record evidence does not exist, do not establish such record for the purpose of this claim. Instead, the next lower class of evidence listed in paragraphs I and J as required, should be furnished. Evidence filed previously with the Department of Veterans Affairs need not be filed again in connection with this claim at this time.

G. EVIDENCE - MEDICAL - A medical statement should accompany the application of a surviving spouse who is housebound or who requires the aid and attendance of another person if he or she is not a nursing home patient. A nursing home patient should furnish a statement signed by an official of the nursing home showing the date of admission and patient status. Also, indicate in Item 36, "Remarks" that you are a nursing home patient and give the name and address of the nursing home.